

EDWARD J. MARKEY

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ENERGY AND COMMERCE COMMITTEE

RANKING MEMBER

SUBCOMMITTEE ON
TELECOMMUNICATIONS AND
THE INTERNET

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November 7, 2005

The Honorable Kevin J. Martin
Chairman, Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

The Honorable Deborah P. Majoras
Chairman, Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Dear Chairmen Martin and Majoras:

I am writing with respect to recent reports in the media about the commercial availability of consumer telephone records. I am concerned about the proliferation of sources through which wireless and wireline records of consumer calling and billing information is available for sale without consumer approval. The privacy of American citizens is priceless and the phone records of consumers should not be commodities for sale in any cyberspace bazaar.

As you may know, Congress enacted consumer privacy provisions as part of the Telecommunications Act for "customer proprietary network information" to assure consumers that the privacy of their calling and billing information would be safeguarded. It is illegal to disclose this information without the approval of telephone subscribers. Nevertheless, several Internet websites (e.g., locatecell.com, celltolls.com) are now offering services in which they sell information about the telephone calls placed from a wireless phone, including the date, time and duration of calls place by a consumer. In addition, several websites also offer similar information for landline phones and even sell unlisted phone numbers and related consumer information.

I am interested in knowing what your respective agencies are doing to shut down these activities. Moreover, I am interested in knowing how and whether specific "customer proprietary network information" rules contained in Section 222 of the Communications Act may be being circumvented or violated. In addition, it is apparent that many of these websites may be obtaining this private consumer information illicitly from unscrupulous employees of telecommunications carriers through "pre-texting" or

Chairman Martin and Chairman Majoras

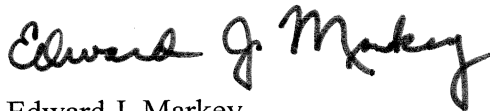
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other unethical methods. I would like information on how such information is being disclosed, whether you are aware of any carriers currently disclosing such information (either in a manner consistent, or in violation of, current FCC rules or Section 222.) Please provide me with information regarding steps carriers are currently obligated take under FCC rules to secure and protect consumer information, if any, as well as any measures you are aware they may be taking to better safeguard consumer calling information in their possession.

Finally, given the growing nature of this problem, I am interested in any stepped-up enforcement measures your respective agencies are taking in this area. We must send a signal to the public and these website companies that the abuse of private information will not be tolerated.

Thank you in advance for your time and attention in responding to this request.

Sincerely,

A handwritten signature in black ink that reads "Edward J. Markey". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Edward J. Markey
Ranking Democrat
House Subcommittee on
Telecommunications and the Internet